IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 21672 of 2004

Between:

M. Rama Reddy, S/o. M. Veera Reddy,
C/o. B. Balreddy, Lakshmipet Village, Chapadu Mandal, Kadapa District.

..... PETITIONER

AND

1 The Depot Manager, A.P. State Road Transport Corporation,
Tadipatri Depot, Ananthapur District.
2 The Managing Director, A.P. State Road Transport Corporation,
Musheerabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in issuing the impugned order in No. 02/95(158)/2004-TDP, dated 19-10-2004 as illegal, arbitrary, and unconstitutional, and consequently this Hon'ble Court may be pleased to set-aside the same.

Counsel for the Petitioner:MR.S.S.BHATT

Counsel for the Respondents : Mr.R.Vinayaka Swamy

The Court at the stage of admission made the following :

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O R D E R:

The Writ Petition is filed seeking a Writ of Mandamus declaring the action of the first respondent in issuing the impugned proceedings No.02/95(158)/2004-TDP, dated 19.10.2004, as illegal, arbitrary and unconstitutional.

The grievance of the petitioner is that the first respondent by impugned proceedings dated 19.10.2004 deleted his name from the select/approved list of conductors, duly forfeiting the security deposit amount outstanding against his account into the credit of the respondent-Corporation, on the ground that he has reissued the ticket of Rs.7/- denomination at stage No.11 by altering ticket closing number in statistical returns sheet (S.R.Sheet), which resulted in loss of revenue to the Corporation. Challenging the same, the present writ petition has been filed.

Learned counsel appearing for the petitioner submitted that the name of the petitioner was deleted from the select/approved list without conducting any enquiry and therefore, the respondents have violated the principles of natural justice and sought for setting aside the impugned proceedings.

On the other hand, the learned counsel appearing on behalf of the respondents, Sri Vinayaka Swamy, submitted that the respondents deleted the name of the petitioner from the approved selected list as per the Rules and the same does not require any conduct of enquiry and therefore, he prays to dismiss the writ petition.

A show cause notice dated 04.10.2004 was issued by the first respondent to the petitioner alleging certain cash and ticket irregularities. The petitioner submitted his explanation on 11.10.2004 to the said show-cause notice. The first respondent without considering the

explanation offered by the petitioner and without conducting any enquiry deleted the name of the petitioner from the select/approved list. Admittedly, no enquiry was conducted before passing final orders. Since the petitioner was duly selected to the post of conductor and his name was listed in the approved list of conductors, deletion of his name without conducting any enquiry amounts to violation of principles of natural justice. The respondent-Corporation ought to have followed the principles of natural justice before deleting the name of the petitioner by duly conducting enquiry and after giving reasonable opportunity to him to adduce evidence. Hence, the impugned proceedings suffers from serious legal infirmities warranting interference of this Court and is liable to be set aside.

The writ petition is allowed setting aside the impugned proceedings dated 19.10.2004. However, setting aside of the impugned proceedings does not preclude the respondent-Corporation in proceeding against the petitioner to conduct enquiry after giving reasonable opportunity to the petitioner to adduce evidence, if any, if he so chooses. No costs.

29.11.2004

Note:Furnish copy in one week

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prv/usd

To

1 The Depot Manager, A.P. State Road Transport Corporation,
Tadipatri Depot, Ananthapur District.
2 The Managing Director, A.P. State Road Transport Corporation,
Musheerabad, Hyderabad.

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